

DISCUSSION OF THE AMENDMENT

The specification has been amended to correct a typographical error.

Claim 1 has been amended to recite that the resin having a Tg of from 0 to 40°C has crosslinkable reactive groups, as supported in the specification at page 12, lines 12-16. Claim 3 has been amended by replacing “characterized in that” with the equivalent --wherein--.

Claim 6 has been amended to depend on Claim 5, and to clarify that the resin having a Tg of from 0 to 40°C of this claim is a non-vinylidene fluororesin.

New Claims 8-16 have been added. Claim 8 is supported in the specification at page 12, lines 13-16. Claims 9 and 10 are supported in the specification at page 5, lines 8-10. Claims 11-13 are supported by Claim 5. Claim 14 is supported in the specification at page 14, line 7. Finally, Claims 15 and 16 are supported in the specification at page 11, lines 2-4.

No new matter is believed to have been added by the above amendment. Claims 1-16 are now pending in the application.

REMARKS

Applicants thank the Examiner for the courtesy extended to Applicants' attorney during the interview held March 29, 2006, in the above-identified application. During the interview, Applicants' attorney explained the presently-claimed invention and why it is patentable over the applied prior art, and discussed other issues raised in the Office Action. The discussion is summarized and expanded upon below.

The rejection of Claims 1-7 under 35 U.S.C. § 102(b) as anticipated by U.S. 5,898,043 (Uemae et al), is respectfully traversed.

Uemae et al describes a coating composition which is a resin powder containing a film-forming resin and a crosslinking agent (abstract). The resin powder can be composed of a fluoro-resin which may contain a non-vinylidene monomer (column 6, lines 3-10). The resin can have Tg of 0-100°C (column 5, lines 23- 28). The coating composition can also contain a charge control agent or a film smoothness improver that may include a polyester resin or an acrylic resin (column 9, line 61 to column 10, line 19). The Examiner concludes that these optional resins have a Tg temperature falling within the claimed range of 0-40°C, and therefore, the composition described in Uemae et al is the same as the claimed fluoro-resin powder coating composition.

In reply, and as Applicants' attorney noted during the above-referenced interview, Uemae et al discloses and suggests no Tg temperature for their charge control agent or their film smoothness improver. The Examiner's finding that "at least some of them" have a Tg temperature within the presently-recited range of 0-40°C is based on no evidence in the record. Moreover, with regard to the limitation herein of "Tg higher than 40°C", a range of 0-100°C does not anticipate this temperature absent some further direction in the prior art to employ a Tg of from 40-100°C. No such direction exists in Uemae et al. At any rate, the

rejection is moot since Uemae et al does not disclose that their charge control agent or film smoothness improver contain crosslinkable reactive groups.

For all the above reasons, it is respectfully requested that the rejection over Uemae et al be withdrawn.

The rejection of Claims 1-7 under 35 U.S.C. § 102(b) as anticipated by U.S. 5,998,507 or its equivalent GB 2,325,235 A (Adachi et al), is respectfully traversed. (The reference to Adachi et al below is to the U.S. Patent).

Adachi et al describes a method for preparing a thermosetting powder coating material containing a base resin and a crosslinking agent (abstract). The base resin can include one or more types of resin including fluororesins. The Tg for the resin is in range of 50 to 100 °C (column 5, lines 7-27). Adachi et al also describes the addition of fine particles of a synthetic resin to improve adhesiveness and antichipping properties of the coating material. The fine particles of synthetic resin have a Tg of less than 40° C (column 6, lines 46-56).

However, and as Applicants' attorney noted during the above-referenced interview, Adachi et al neither discloses nor suggests that the synthetic resin making up their fine particles contain crosslinkable reactive groups. In addition, Adachi et al discloses that the glass transition temperature of this component be preferably less than 0°C (column 6, lines 52-55). Applicants have disclosed comparative data in the specification showing that when the Tg of their resin having a Tg of from 0 to 40°C is less than 0°C, blocking resistance is substantially compromised, while weather resistance and stain resistance are also inferior. See Table 3 at page 22 of the specification, and particularly Examples 1-4 compared to Comparative Example 3, which comparative example employs copolymer A-7, which is an acryl copolymer having a Tg of -10°C, as shown in Table 2 at page 18 of the specification. The meaning of the data in Table 3 is described in the specification at page 19, line 13

through the end of page 20. Claims 6, 12 and 13 are separately patentable, because Adachi et al does not disclose a polyester resin or a non-vinylidene fluororesin as the synthetic resin for their fine particles.

For all the above reasons, it is respectfully requested that the rejection over Adachi et al be withdrawn.

The rejection of Claims 1-7 under 35 U.S.C. § 103(a) as obvious over U.S. 3,758,634 (Labana et al) in view of Uemae et al or Adachi et al, is respectfully traversed. Labana et al discloses a powdered coating composition comprising a particular copolymer of glycidyl methacrylate and an ethylenically unsaturated compound wherein the copolymer has a Tg of 40-90°C; a diphenol crosslinking agent; and a flow control agent having a Tg below the Tg of the copolymer (column 1, line 41ff). The Examiner finds that it would have been obvious to replace the copolymer of glycidyl methacrylate of Labana et al with any of the fluorinated copolymers of Uemae et al or Adachi et al.

In reply, while the Examiner finds that Labana et al discloses that the flow control agent have a Tg below 40°C, such a Tg is required only when the copolymer has a Tg of **exactly** 40°C; otherwise, there is no requirement that the flow control agent have a Tg below 40°C. More fundamentally, and as Applicants' attorney noted during the above-referenced interview, Labana et al is limited specifically to a particular glycidyl methacrylate-based copolymer. While fluororesins and epoxy resins may be interchangeable in the inventions of Uemae et al and Adachi et al, there is no disclosure or suggestion that they would be interchangeable in the particular powdered coating composition of Labana et al. Nevertheless, the rejection is moot, because Labana et al neither disclose nor suggest that their flow control agent contain crosslinkable reactive groups.

For all the above reasons, it is respectfully requested that this rejection be withdrawn.

The objection to Claim 6 is now moot in view of the above-discussed amendment.
Accordingly, it is respectfully requested that it be withdrawn.

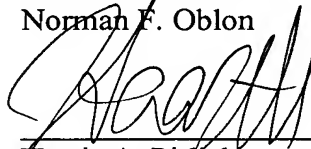
The objection to the disclosure is now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that it be withdrawn.

Applicants note that the Examiner, at paragraph 1 of the Office Action, characterizes the present application as a "CIP" of a particular PCT application. This characterization is incorrect; the present application is a **continuation** of said PCT application.

All of the presently-pending claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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